

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

OBM, INC.,

Plaintiff,

v.

LANCIUM LLC,

Defendant.

Civil Action No: 4:23-cv-01798

JURY TRIAL DEMANDED

PATENT CASE SCHEDULING ORDER¹

It is hereby **ORDERED** that the following schedule and the Rules of Practice for Patent Cases in the Southern District of Texas will apply in this case:

0	Friday, August 25, 2023	Scheduling Conference
*1	Friday, September 8, 2023 or 2 weeks after Scheduling Conf. or Motion to Dismiss is decided, whichever is later	OBM produces documents and information sufficient to show the operation of the relevant functionality in the Foreman software (e.g., source code, schematics, or flow charts) <u>Comply with Fed. R. Civ. P. 26(a)(1):</u> Parties to exchange Initial Disclosures
1	Thursday, December 14, 2023	PRELIMINARY INFRINGEMENT CONTENTIONS Comply with P.R. 3-1 and P.R. 3-2. After this date, it is necessary to obtain leave of court to add and/or amend infringement contentions, pursuant to Patent Rule (P.R.) 3-7. JOIN ADDITIONAL PARTIES OR ADD NEW PATENTS AND/OR CLAIMS It is not necessary to file a motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court.

¹ The parties note that this Scheduling Order assumes that the pending Motion to Dismiss (Dkt. 17) will be decided no later than August 25, 2023. To the extent the Court decides the pending Motion to Dismiss after August 25, 2023, the parties will meet and confer to discuss whether the agreed schedule needs to be adjusted.

2	Thursday, January 25, 2024	<p>PRELIMINARY INVALIDITY CONTENTIONS Comply with P.R. 3-3 and 3-4. <i>After this date</i>, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to P.R. 3-7.</p> <p>INEQUITABLE CONDUCT ALLEGATIONS Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations.</p>
3	Thursday, February 8, 2024	<p>EXCHANGE PROPOSED TERMS AND CLAIM ELEMENTS FOR CONSTRUCTION Comply with P.R. 4-1.</p>
4	Thursday, February 29, 2024	<p>EXCHANGE PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE Comply with P.R. 4-2.</p>
5	Thursday, March 28, 2024	<p>JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT Comply with P.R. 4-3.</p>
6	Thursday, March 28, 2024	<p>AMEND PLEADINGS It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings.</p>
X	Thursday, April 11, 2024	<p>RESPONSES TO AMENDED PLEADINGS DEADLINE</p>
7	Thursday, April 25, 2024	<p>DISCOVERY DEADLINE ON CLAIM CONSTRUCTION ISSUES <i>See</i> P.R. 4-4.</p>
8	Thursday, May 2, 2024	<p>TECHNOLOGY TUTORIAL DEADLINE Provide Court with technology tutorials (optional).</p>

9	Thursday, May 16, 2024	OPENING CLAIM CONSTRUCTION BRIEF Comply with P.R. 4-5(a)(1).
10	Thursday, May 30, 2024	RESPONSIVE CLAIM CONSTRUCTION BRIEF Comply with P.R. 4-5(a)(2).
11	Thursday, June 6, 2024	REPLY CLAIM CONSTRUCTION BRIEF Comply with P.R. 4-5(a)(3).
12	Wednesday, July 3, 2024	JOINT CLAIM CONSTRUCTION CHART Comply with P.R. 4-5(b) and (c).
13	Thursday, July 11, 2024	CLAIM CONSTRUCTION (<i>MARKMAN</i>) HEARING at _____.m. at the United States District Court, Courtroom_____, Texas.
14	Thursday, August 22, 2024	Court's Decision on Claim Construction (<i>Markman</i> Ruling) <u><i>(If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)</i></u>
15	Thursday, September 19, 2024	DEADLINE FOR FINAL INFRINGEMENT CONTENTIONS AND TO AMEND PLEADINGS ON INFRINGEMENT CLAIMS NOTE: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final infringement contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.
16	Thursday, September 19, 2024	PRIVILEGE LOGS/WILLFULNESS Comply with P.R.3-8 All parties furnish privilege logs by this date.
17	Thursday, October 3, 2024	DEADLINE FOR FINAL INVALIDITY CONTENTIONS AND TO AMEND PLEADINGS ON INVALIDITY CLAIMS. NOTE: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final invalidity contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.

18	Thursday, November 7, 2024	COMPLETION OF FACT DISCOVERY Written discovery requests are NOT timely if they are served so close to this deadline that under the Fed. R. Civ. P. the response would not be due until after this deadline.
19	Thursday, October 17, 2024	DESIGNATION OF EXPERTS AND REQUIRED REPORTS OTHER THAN CLAIM CONSTRUCTION AND ATTORNEYS' FEES Party with burden of proof ("BOP") on non-construction and fees issues shall comply with Fed. R. Civ. P. 26(a)(2)(A-C).
20	Thursday, November 14, 2024	DESIGNATION OF RESPONSIVE EXPERTS AND REQUIRED REPORTS Party not having BOP on non-construction and fees issues shall comply with Fed. R. Civ. P. 26(a)(2)(A-C).
21	Thursday, December 12, 2024	COMPLETION OF EXPERT DISCOVERY
22	Thursday, February 6, 2025	DISPOSITIVE AND NON-DISPOSITIVE MOTIONS DEADLINES (INCLUDING <i>DAUBERT</i> MOTIONS)
23	Thursday, May 1, 2025	JOINT PRETRIAL ORDER AND MOTION IN LIMINE DEADLINE The Joint Pretrial Order will contain the pretrial disclosures required by Fed. R. Civ. P. Rule 26(a)(3), Local Rules and this Court's procedures. Plaintiff is responsible for timely filing the complete Joint Pretrial Order. Failure to file a Joint Pretrial Order timely may lead to dismissal or other sanction in accordance with the applicable rules.
24	Tuesday, June 24, 2025	DOCKET CALL/ FINAL PRETRIAL CONFERENCE at the United States District Court, Courtroom _____, _____, Texas.
25	Thursday, April 17, 2025	MEDIATION TO BE COMPLETED BY THIS DATE The parties must select a mediator for this case. The parties and mediator must comply with S.D. TEXAS LOCAL RULE 16.

26	Thursday, June 26, 2025	JURY SELECTION AND TRIAL commences, subject to Court's criminal docket
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SIGNED at _____, Texas, this _____ day of _____, 202__.

JUDGE KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE